

SECTION 20.2: PLANNING AND ZONING COMMISSION-RULES OF PROCEDURE

Roberts Rules of Order, the latest revision, shall be the Commission's final authority on all questions of procedures and parliamentary law not covered by these Rules of Procedures.

20.2.A Membership and Appointment

The Planning & Zoning Commission shall be composed of ten qualified voters of the City of Stephenville. The City Council will consider for appointment to the Commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to prepare for and attend meetings. It is the intent of the City Council that members shall, by reason of diversity of their individual occupations, constitute a Commission which is broadly representative of the Community;

20.2.B Terms of Office

The terms of five of the members shall expire on January 15th of each odd-numbered year and the terms of five members shall expire on January 15th of each even-numbered year. The members of the Commission shall be identified by place numbers one through ten. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no members shall be appointed for a term in excess of two years. Newly-appointed members shall be installed at the first regular Commission meeting after their appointment.

20.2.C Officers

(1) A Chairperson and Vice-Chairperson shall be elected annually from among the Commissions' membership at the first meeting in January and at such other times as these offices may become vacant. In the absence of both the Chairperson and Vice-Chairperson, the Commission shall elect an Acting Chairman.

(2) A Secretary shall be appointed from the members of the Commission or from staff personnel assigned by the city's Chief Executive Officer to serve the Commission.

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20.2.D Duties.

- (1) The Commission shall advise the City Council on those matters falling within its charged responsibilities in a manner reflecting concern for the overall development and environment of the city as a setting for human activities.
- (2) The members of the Commission shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.
- (3) The Chairperson, or in his absence the Vice-Chairperson, shall preside at all meetings, shall decide all points of order or procedure. All letters of transmittal from the Commission to the City Council shall be over the signature of the Chairperson.
- (4) The Secretary shall be custodian of the minutes and other official records, shall attend to the correspondence of the Commission, and shall cause to be given such notices as are required and in the manner prescribed by law.

20.2.E Quorum

A quorum for the conduct of business shall be a majority of the members of the Commission.

20.2.F Meetings

All meetings shall be held in full compliance with the provisions of the Open Meetings Law, V.T.C.S., Section 551, the zoning ordinance, and these Rules of Procedure. Any party in interest may appear in his own behalf or be represented by counsel or agent.

- (1) Regular meetings shall be held on the third Wednesday of each month at 5:30 p.m. in City Council Chambers at City Hall or at such place as the Commission may direct on its notices.
- (2) Special Meetings for any purpose may be held on:
 - (a) On the call of the Chairperson;
 - (b) On request of two or more members and by giving written notice to all members deposited in the mail at least 48 hours before the meeting; or
 - (c) As may be scheduled by a majority of the Commission at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.

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- (3) The members of the Commission shall call the Secretary as far ahead of the meeting date as possible when they are unable to attend a meeting.
- (4) If a member misses three consecutive meetings without a valid reason, that place is subject automatically to reappointment by the City Council.

20.2.G Planning Sessions

The Commission may be convened as a committee of the whole for the purpose of holding a planning session, provided that no official business shall be conducted there at and no quorum shall be required.

20.2.H Agenda

- (1) An agenda shall be prepared by the Secretary for each meeting of the Commission. There shall be attached to each agenda a report of matters pending further action by the Commission. A copy of the agenda shall be posted in the City Hall as required by law for a period of three full calendar days not counting the day of the meeting or the day of the posting.
- (2) The agenda shall be published as the "Notice of Public Hearing".

20.2.I Order of Business

- (1) The Chairperson shall call the Commission to order, and the members present and absent shall be recorded. The minutes of any preceding meeting shall be submitted for approval. The public shall be advised of the procedures to be followed in the meeting. The Executive Secretary shall publicly advise the Commission of any communications received pertaining to any matter before the Commission.
- (2) The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing together with such other matters of business and reports as the Commission or Executive Secretary finds to require Commission consideration.

20.2.J Procedure of Hearing

- (1) The Commission shall call, or cause to be called by the Executive Secretary, each proposal in such order as to be in accord with the hearing time specified in the notice of public hearing.

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- (2) The Chairperson shall next call on the staff for a factual summary and presentation relative to the proposal and shall afford the staff an opportunity to call to the attention of the Commission any additional pertinent communications.
- (3) The Chairperson shall then call on persons present who wish to speak to the proposal and shall direct that they speak in the following order:
 - (a) The applicant or his or her representative;
 - (b) Those persons in support; and
 - (c) Those persons in opposition.
- (4) Whenever necessary the Chairperson shall direct that all remarks shall be germane to the proposal. No rebuttal shall be permitted by either side, but the Commission may direct questions to any speaker in order to clarify statements and facts presented.
- (5) The Chairperson shall then declare the public presentation or hearing closed, as to that proposal.

20.2.K Motions

- (1) A motion may be made by any member other than the presiding officer.
- (2) A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require two-thirds favorable votes of the members present.
- (3)
 - (a) When fewer than all the members are present for the voting and when all motions to recommend on a given application fail to carry by two-thirds votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present.
 - (b) Provided further that no request or application shall be continued under this rule beyond the next regular meeting; failure of the Commission to secure two-thirds concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

20.2.L Recording of Vote

The minutes of the Commission's proceeding shall show the vote of each member, or if absent or failing to vote shall indicate that fact.

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20.2.M Disqualification From Voting

- (1) A member shall disqualify himself or herself from voting whenever he finds that he or she finds that he or she has a personal or monetary interest in the property under appeal, or that he or she will be directly affected by the decision of the Commission.
- (2) A member shall disqualify himself or herself from voting whenever any applicant, or his or her agent, has sought to influence the vote of the member on his or her application, other than in the public hearing.

20.2.N Official Records

The official records shall be these rules and regulations and the minutes of the Commission together with all findings, decisions and other official records of the Commission.

20.2.O Files - Retention

All matters coming before the commission shall be filed in the City's records. Original papers of all requests and proposals shall be retained as a part of the permanent record.

20.2.P Public Record

The official records and citizens requests filed for Commission action in regular or special meetings shall be on file in the City Hall and shall be open to public inspection during customary working hours.

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